

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:04CV69-1-MU**

TERRANCE JAMES,

Plaintiff,

Vs.

RANDY WILLIAMS, et al.,

Defendants.

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**ORDER**

**THIS MATTER** comes before the Court on its own motion.

On December 5, 2004, Defendants filed a Motion for Judgment on the Pleadings asserting that Plaintiff's Complaint should be dismissed for failure to exhaust his administrative remedies. On December 16, 2004, Plaintiff responded to Defendants' Motion for Judgment on the Pleadings. In his response, Plaintiff argued, among other things, that he could not have exhausted his administrative remedies because he was transferred to another correctional institution shortly after his first grievance was rejected. After reviewing the case file, the Court has determined that it would be helpful to have Defendants file a reply brief to Plaintiff's response to Defendants' Motion for Judgment on the Pleadings.

**IT IS, THEREFORE, ORDERED that** within 30 days of the filing of this Order, the Defendants are directed to file a reply brief to Plaintiff's response to Defendant's Motion for Judgment on the Pleadings.

This 2nd day of May, 2005.

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Graham C. Mullen, Chief Judge  
United States District Court

A handwritten signature in black ink, reading "Graham C. Mullen", is written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

